

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CEDRIC HOWARD,

Case No. 2:21-cv-01282-RFB-DJA

Plaintiff

ORDER

**NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,**

Defendants

I. DISCUSSION

On July 6, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3).

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

The Court will grant Plaintiff a one-time opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents,

1 or in the alternative, pay the full \$402 filing fee for this action on or before **September 7,**
2 **2021.** Absent unusual circumstances, the Court will not grant any further extensions of
3 time.

4 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
5 with all three required documents or pay the full \$402 filing fee on or before **September**
6 **7, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new
7 case with the Court when Plaintiff is either able to acquire all three of the documents
8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
9 \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
11 case with the Court, under a new case number, when Plaintiff has all three documents
12 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
14 full filing fee of \$402 on or before **September 7, 2021** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
16 will not file the complaint unless and until Plaintiff timely files a fully complete application
17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
20 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
21 as the document entitled information and instructions for filing an *in forma pauperis*
22 application.

23 IT IS FURTHER ORDERED that on or before **September 7, 2021**, Plaintiff will
24 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and
25 the \$52 administrative fee) or file with the Court:

26 (1) a completed Application to Proceed *in Forma Pauperis* for Inmate on this
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
28 signatures on page 3),

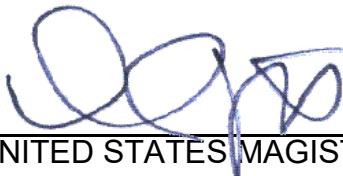
1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$402
7 filing fee for a civil action on or before **September 7, 2021**, this case will be subject to
8 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
9 number, when Plaintiff has all three documents needed to file a complete application to
10 proceed *in forma pauperis* or pays the full \$402 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No.1-1) but will not file it at this time.

13 DATED: July 8, 2021

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UNITED STATES MAGISTRATE JUDGE